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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
38644-175286

Re Application of: Arthur A. Branstrom et al.

Application No. 08/711,961

Filed: September 6, 1996

For: BACTERIAL DELIVERY SYSTEM

The owner*, Government of the United States, as represented by the Secretary of the Army of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,824,538. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

Elizabeth Arwine
Signature

9/3/03
Date

ELIZABETH ARWINE
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRANSTROM et al.

Appl. No. 08/711,961

Filed: September 6, 1996

For: BACTERIAL DELIVERY SYSTEM

Art Unit: 1636

Examiner: I. Yucel

Atty. Docket No. 38644-175286

Customer No.

26694
PATENT TRADEMARK OFFICE

SUBMISSION OF TERMINAL DISCLAIMER

U.S. Patent and Trademark Office
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Sir:

Enclosed is a Terminal Disclaimer for the above-identified patent application.

Please charge the required fee and any other fee that may be necessary to Deposit

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Respectfully submitted,

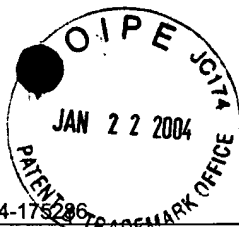
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115874

Venabl Filing Number



Attorney

Ann S. Hobbs

PTO Due Date:

Date Filed:

October 17, 2003

TM Official Gazette Date:

Atty. D cket No: 38644-175286

Re: Branstrom et al.

Application No: 08/711,961

Patent No.:

Trademark:

Opposition/Cancellation No:

Filing Date: September 6, 1996

Issue Date:

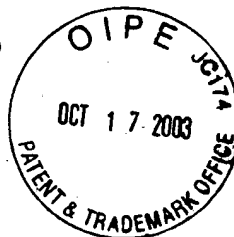
Trademark Reg. No:

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

- ☐ Transmittal Letter
- ☐ Fee Transmittal Letter
- ☐ New U.S. Provisional Application (pages of specification/claims)
- ☐ Formal Drawings (sheets, Figs.)
- ☐ Invention Declaration
- ☐ U.S. National Stage Application of PCT Application
- ☐ Translation of International Application
- ☐ New U.S. TM Application (specimens)
- ☐ Rule 53(d) Continued Prosecution Application
- ☐ Substitute Specification
- ☐ Rule 53(b) Continuation or Divisional Application (*attach copy of specification, claims, drawings & declaration*)
- ☐ Priority Document-Cert. Copy of Appln.#: ; Country
- ☐ Date Filed:
- ☐ Request for Continued Examination (RCE) under 37 CFR 1.114
- ☐ Request for Reconsideration
- ☐ Application Data Sheet
- ☐ Assignment w/Cover Sheet
- ☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449 (references)
- ☐ Response
- ☐ ☐ Amendment/☐ Preliminary Amendment
- ☐ Petition/Request for Extension of Time (two mo. ext.)
- ☐ Notice of Appeal
- ☐ Appeal Brief (*in triplicate*)
- ☐ ☐ Reply Brief (*in triplicate*)/ ☐ Request for Oral Hearing
- ☐ Confirmation of Hearing Petition
- ☐ Issue Fee Transmittal and publication fee
- ☐ Certificate of Correction
- ☐ Maintenance Fee Transmittal
- ☐ Power of Attorney
- ☐ Response to Notice to File Missing Parts
- ☐ Response to Notice to File Missing Requirements
- ☐ Response to Restriction Requirement
- ☐ Petition to Revive
- ☐ Sequence Listing - CDR Enclosed? ☐ Yes ☐ No
- ☐ Status Inquiry
- ☐ Request for Non-Publication
- ☐ Request to Rescind Non-Publication Request
- ☒ **Terminal Disclaimer**
- ☐ TM Statement of Use
- ☐ Extension of Time (mo. ext.)
- ☐ Declaration Under 8
- ☐ Declaration Under 8 and 15
- ☐ TM Renewal Application
- ☐ Notice of Opposition (*Please list all documents in Other section*)
- ☐ Amendment to Alleged Use
- ☐ Other: (*Please describe below*)

- ☐ Filing Fee
- ☐ Surcharge Fee
- ☐ Additional Claim Fee
- ☐ Recordation/Indexing Fee
- ☐ IDS Fee
- ☐ Extension Fee
- ☐ Notice of Appeal Fee
- ☐ Brief on Appeal Fee
- ☐ Oral Hearing Request Fee
- ☐ Petition Fee
- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Maintenance Fee
- ☐ TM Statement of Use
- ☐ 8 Affidavit Fee
- ☐ 8 and 15 Affidavit
- ☐ TM Renewal Application Fee
- ☐ Notice of Opposition Fee
- ☐ TM Extension of Time Fee



\$130.00 Total Fees Paid

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